IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 550 of 1988

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KASTURBHAI NANALAL PATEL

Versus

RAMESHBHAI RAMBHAI PATEL

Appearance:

MR JM PANCHAL for Petitioner

MR DF AMIN for Respondent No. 1

NOTICE UNSERVED for Respondent No. 3

NOTICE SERVED for Respondent No. 4

MR ST MEHTA APP for Respondent No. 8

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 07/09/2000

ORAL JUDGEMENT

Heard the learned advocates.

2. This revision under Section 397 read with Section 401 Cr.P.C has been preferred against the judgment and order dated 4th August, 1988 passed by the learned Metropolitan Magistrate, Court No. 9, Ahmedabad in Criminal Case No. 1252 of 1984. The petitioner before this Court is the original complainant. It appears that pursuant to the complaint lodged by the petitioner herein, criminal case no. 1252 of 1984 was registered against the accused-respondents. The accused were tried for the offence punishable under Sections 143, 147, 148, 149, 324, 325, 337 and 114 IPC. The learned Magistrate, having considered the evidence on record, convicted the accused no. 3 Devjibhai Hirabhai for the offence punishable under Sections 324 IPC. The said accused Devjibhai Hirabhai was acquitted of the other charges. However, considering his young age and the first offence committed by him, the said accused Devjibhai Hirabhai was ordered to be released on probation of good conduct. Rest of the accused were acquitted of all the charges. Feeling aggrieved, the complainant has preferred the present revision.

I have perused the judgment and the evidence on record. It cannot be said that the trial Court has erred in recording acquittal of the accused persons nor releasing the accused no. 3 on probation can be said to be unjustified. No interference is warranted. Revision application is dismissed. Rule is discharged.

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Prakash*